



Appl. No.: 10/613,035  
Preliminary Amendment

**AMENDMENTS TO THE CLAIMS:**

**Please amend the claims as follows:**

1. (Canceled).
2. (Canceled).
3. (Canceled).
4. (Canceled).
5. (Canceled).
6. (Canceled).
7. (Canceled).
8. (Canceled).
9. (Canceled).
10. (Canceled).
11. (Canceled).

12. (Canceled).

13. (Canceled).

14. (Canceled).

15. (Canceled).

16. (Canceled).

17. (Canceled).

18. (Canceled).

19. (Canceled).

20. (Canceled).

21. (Canceled).

22. (Canceled).

23. (Canceled).

24. (Canceled).

25. (Canceled).

26. (Canceled).

27. (Canceled).

28. (Previously presented) A system for replenishing water depleted from a body of water, comprising:

- a) a depleting body of water;
- b) a discharge unit laterally displaced from said depleting body of water;
- c) said discharge unit having a water inlet and a water outlet;
- d) a supply source of water;
- e) a water conduit extending to said water inlet from said supply source of water;
- f) said water outlet being positioned so as to transmit water in an above-ground trajectory laterally into said depleting body of water;
- g) a valve for establishing water flow through said discharge device and out of said water outlet in said above-ground trajectory into said body of

water at a rate corresponding to water depletion in the body of water.

29. (Original) The system of claim 28, wherein said body of water is a swimming or wading pool for humans.

30. (Previously presented) The system of claim 29, wherein said body of water includes steps leading down into said water for humans to walk into said body of water.

31. (Original) The system of claim 29, wherein said body of water includes a ladder leading down into said water for humans to climb into said body of water.

32. (Original) The system of claim 29, wherein said pool is an above ground pool.

33. (Original) The system of claim 29, wherein said pool is an in-ground pool.

34. (Original) The system of claim 29, wherein said pool has concrete bottom and side walls.

35. (Original) The system of claim 28, wherein said outlet of said discharge unit is laterally displaced at least about two feet from said body of water.

36. (Original) The system of claim 35, wherein said outlet of said discharge unit is laterally displaced at least about four feet from said body of water.
37. (Original) The system of claim 35, wherein said outlet of said discharge unit is laterally displaced at least about eight feet from said body of water.
38. (Original) The system of claim 35, wherein said outlet of said discharge unit is laterally displaced at least about ten feet from said body of water.
39. (Original) The system of claim 28, wherein said discharge unit has a base that rests at a level substantially equal to a top of a perimeter wall around said body of water over which water discharged from said discharge unit is discharged.
40. (Original) The system of claim 28, wherein said discharge unit discharges water through said outlet at an inclination of between horizontal (90 degrees) and vertical (zero degrees).
41. (Original) The system of claim 40, wherein said discharge unit discharges water through said outlet at an inclination of between about 15 degrees and 75 degrees.

42. (Original) The system of claim 28, wherein the angle at which said discharge outlet discharges is adjustable.
43. (Original) The system of claim 29, wherein said pool has a patio area surrounding at least a portion of the pool and said discharge unit is configured to discharge water over said patio area into said pool.
44. (Original) The system of claim 43, wherein said patio area is configured for walking and is substantially free from obstruction from between said discharge unit and said pool such that individuals can freely walk between said discharge unit and said pool along a substantially continuous and substantially flat patio surface.
45. (Original) The system of claim 28, wherein said discharge unit is configured in the shape of an animal.
46. (Original) The system of claim 28, wherein said discharge unit is configured in the shape of a frog, and wherein said water outlet is located in a mouth region of the frog.
47. (Original) The system of claim 28, wherein said discharge unit is configured in the shape of a natural item so as to blend in with the landscaping surrounding the body of water.

48. (Previously presented) The system of claim 28, further including means for determining water depletion amount that includes means for determining water evaporation amount.

49. (Previously presented) The system of claim 48, wherein said means for determining water depletion amount includes a corresponding position of a top surface of the water and a side wall of the depleting body of water providing a visually observable water depletion amount determination enabling user observation of water level lowering in the body of water over a period of time.

50. (Original) The system of claim 48, wherein said means for determining water depletion amount includes a water level sensor that senses a level of water in said body of water for transmitting a signal related thereto.

51. (Original) The system of claim 28, further including a timer mechanism for opening and closing said valve for a period of time.

52. (Original) The system of claim 51, further including means for setting said timer mechanism to open and/or close said valve.

53. (Original) The system of claim 52, wherein said valve is located within said discharge unit.

54. (Original) The system of claim 52, wherein said timer mechanism is located within said discharge unit.
55. (Original) The system of claim 28, wherein said body of water is a swimming pool having a maximum depth of at least four feet deep.
56. (Original) The system of claim 55, wherein said swimming pool has a maximum depth of at least 9 feet deep.
57. (Original) The system of claim 28, wherein said body of water is a swimming pool and includes at least one water playing device from the group consisting of: a diving board extending over said pool; a water slide extending over a side edge of said pool; and a water volley ball net extending laterally over said pool.
58. (Original) The system of claim 28, wherein said discharge unit is entirely separate from a water filtration system of said body of water.
59. (Original) The system of claim 28, wherein said discharge unit is entirely separate from a water re-circulation system for said body of water, such that water in said body of water is not re-circulated through said discharge unit.



60. (Original) The system of claim 28, wherein said discharge unit discharges substantially water from a source independent from said body of water, which source does not originate from said body of water.

61. (Previously presented) An apparatus for remotely replenishing water in a body of water from a supply source of water, comprising:

- a) a portable discharge unit having a water inlet and a water outlet;
- b) said discharge unit being operable to transmit a stream water in an above-ground trajectory from into a remote depleting body of water when said inlet is connected to a supply source of water and when said portable discharge unit is placed a distance from the remote depleting body of water; and
- c) a valve for establishing water flow through said discharge unit and out of said water outlet in said above-ground trajectory into such body of water at an amount corresponding to water depletion in such body of water.

62. (Canceled).

63. (Canceled).

64. (Canceled).

65. (Canceled).

66. (Canceled).

67. (Canceled).

68. (Previously presented) A system for replenishing water depleted from a body of water, comprising:

- a) a discharge unit to be laterally displaced from a depleting body of water;
- c) said discharge unit having a water inlet and a water outlet;
- d) a water conduit extendable to said water inlet from said supply source of water;
- f) said water outlet being positionable so as to transmit water in an above-ground trajectory laterally into said depleting body of water;
- g) a valve for establishing water flow through said discharge device and out of said water outlet in said above-ground trajectory into said body of water at a rate corresponding to water depletion in the body of water.

**New Claims:**

69. (New) A pool replenishing device for replenishing water depleted from a pool comprising:

a replenishing unit designed for location remote from a pool requiring replenishing, said replenishing unit having a water inlet and a water outlet;

stream directing means connected to said water outlet in said replenishing unit operable to laterally direct an arcuate stream of water through the air from said replenishing unit to a pool requiring replenishing; and

valve means in said replenishing device operable to control the water flow through said replenishing unit when said inlet thereof is connected to a source of water under pressure.

70. (New) The replenishing unit as defined in Claim 69, wherein the pool is a fountain.

71. (New) The replenishing unit as defined in Claim 68, wherein the pool is a swimming pool.

72. (New) The replenishing unit as defined in Claim 68, wherein the valve means has control means connected thereto operable to control the flow of water through said replenishing unit when its inlet is connected to a source of water under pressure.

73. (New) The replenishing unit as defined in Claim 69, wherein the valve means has control means connected thereto operable to control the flow of water through said replenishing unit when its inlet is connected to a source of water under pressure.

74. (New) The replenishing unit as defined in Claim 70, wherein the valve means has control means connected thereto operable to control the flow of water through said replenishing unit when its inlet is connected to a source of water under pressure.

75. (New) The replenishing unit defined in Claim 71, wherein control means includes a timer to operate said valves means periodically based on an estimated rate of water depletion in a pool.

76. (New) The replenishing unit defined in Claim 72, wherein control means includes a timer to operate said valves means periodically based on an estimated rate of water depletion in a pool.

77. (New) The replenishing unit defined in Claim 73, wherein control means includes a timer to operate said valves means periodically based on an estimated rate of water depletion in a pool.

78. (New) The replenishing unit defined in Claim 71, wherein control means includes a remote water sensor operable to sense water depletion in a pool containing said remote water sensor, said remote water sensor communication with the control means and means in said control means operable to control the valve means in response to water depletion in the pool sensed by the said remote sensor.

79. (New) The replenishing unit defined in Claim 72, wherein control means includes a remote water sensor operable to sense water depletion in a pool containing said remote water sensor, said remote water sensor communication with the control means and means in said control means operable to control the valve means in response to water depletion in the pool sensed by the said remote sensor.

80. (New) The replenishing unit defined in Claim 73, wherein control means includes a remote water sensor operable to sense water depletion in a pool containing said remote water sensor, said remote water sensor communication with the control means and means in said control means operable to control the valve means in response to water depletion in the pool sensed by the said remote sensor.

81. (New) The replenishing unit as defined in Claim 77, wherein the remote sensor communicates with the control means via radio signals.

82. (New) The replenishing unit as defined in Claim 78, wherein the remote sensor communicates with the control means via radio signals.

83. (New) The replenishing unit as defined in Claim 79, wherein the remote sensor communicates with the control means via radio signals.

84. (New) The replenishing unit as defined in Claim 68, wherein the valve means has control means connected thereto to control the water flow through said replenishing unit and a handheld remote unit in communication with said control means operable to turn said valve means on or off in response to signals from said remote unit.

85. (New) The replenishing unit as defined in Claim 69, wherein the valve means has control means connected thereto to control the water flow through said replenishing unit and a handheld remote unit in communication with said control means operable to turn said valve means on or off in response to signals from said remote unit.

86. (New) The replenishing unit as defined in Claim 70, wherein the valve means has control means connected thereto to control the water flow

through said replenishing unit and a handheld remote unit in communication with said control means operable to turn said valve means on or off in response to signals from said remote unit.

87. (New) The replenishing unit defined in Claim 83, wherein the communication between the control unit and the remote unit is via radio signals.

88. (New) The replenishing unit defined in Claim 84, wherein the communication between the control unit and the remote unit is via radio signals.

89. (New) The replenishing unit defined in Claim 85, wherein the communication between the control unit and the remote unit is via radio signals.